

EXHIBIT 6

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**MISH INT’L MONETARY INC.,
on behalf of itself and
all others similarly situated,**

Plaintiff,

v.

VEGA CAPITAL LONDON, LTD., et al.,

Defendants.

Case No. 20-cv-04577

Hon. Manish S. Shah

JOINT STATUS REPORT

Plaintiff Mish International Monetary Inc. and Defendants Vega Capital London Ltd. (“Vega”), Adrian Spires (together with Vega, the “Vega Defendants”), and Paul Commins, George Commins, Christopher Roase, Elliott Pickering, Aristos Demetriou, Connor Younger, James Biagioni, Henry Lunn, Paul Sutton, and Matthew Rhys Thompson (collectively, the “Trader Defendants”) respectfully submit this joint status report pursuant to the Court’s March 12, 2024 Order directing the parties to file a status report by July 12, 2024 summarizing the discovery completed to date and identifying issues that may require court intervention. ECF No. 316.

I. Case Schedule

On January 27, 2023, the Court set a discovery and class certification schedule for this Action, ECF No. 201, in response to the parties’ joint initial status report, ECF No. 196, and Defendants’ motion to bifurcate class certification and merits discovery, ECF No. 198. Plaintiff’s motion for class certification, ECF No. 303, and Defendants’ motion to exclude expert testimony, ECF No. 353, are now pending before the Court, with Plaintiff’s reply on class certification and response to the motion to exclude due on September 3, 2024. ECF Nos. 328, 362. No reply is

permitted on Defendants’ motion to exclude unless requested by the Court. ECF No. 362. The deadline for completion of all fact discovery, including foreign discovery, is December 30, 2024. ECF No. 201. The Court stated that it “will set deadlines for amendment of the pleadings, merits expert discovery, and dispositive motions when the parties get closer to completing fact discovery.” ECF No. 201.

II. Discovery Progress

Since the filing of the last joint status report on March 1, 2024, ECF No. 315, Plaintiff and Defendants have continued to engage in both party and non-party discovery. The parties intend to take additional discovery before the December 30, 2024 fact discovery cut-off.

a. Document Productions

There have been an additional 20 document productions since March 1, 2024. Plaintiff Mish made two productions regarding communications and documents involving Plaintiff’s IT consultant, Alan Paul. The parties have received ten productions from storage companies in Cushing, Oklahoma in response to Plaintiff’s subpoenas. The parties have received an additional nine productions from April 2020 market participants in response to the Vega Defendants’ subpoenas. The parties also received a supplemental production from the CME.

b. Depositions

Defendants took two depositions during this period. First, on April 23, 2024, the Defendants deposed Plaintiff’s IT consultant, Alan Paul. Second, on May 14-15, 2024, Defendants deposed Plaintiff’s expert, Professor Craig Pirrong, in connection with Professor Pirrong’s May 10, 2024, amended class certification expert report. ECF No. 324.

On July 9, 2024, Plaintiff informed counsel for the Trader Defendants that it intends to depose, prior to October 31, 2024, the six Trader Defendants who have not yet been deposed. On

July 10, counsel for the Trader Defendants informed Plaintiff they would confer with the clients and get back to Plaintiff with available dates and locations. This morning (July 12), counsel for the Trader Defendants informed Plaintiff that they are conferring with their clients about dates and locations for these depositions but have not agreed that these depositions will occur before October 31, 2024, or prior to a ruling on their substantial objections to class certification. Having had only three-days' notice of Plaintiff's intent to conduct these depositions by October 31, 2024, counsel has not yet had a full opportunity to discuss the scheduling issue with their clients.

Plaintiff's position is as follows. First, the Court has already ruled on and denied Defendants' request to stay merits discovery until after class certification is decided. *Compare* ECF No. 198 (requesting stay) *with* ECF No. 201 (Order denying stay). Second, Defendants' renewed request for a stay is contrary to the Court's Scheduling Order that provides all fact discovery (including "merits" discovery) must be completed by December 30, 2024. ECF No. 201. Third, a stay is also contrary to Defendants' own ongoing conduct in pursuing substantial merits discovery from twenty-eight (28) market participants. ECF No. 311 at 36-40. Defendants' motions to compel expressly acknowledge the discovery they are seeking is "merits" discovery. *E.g.*, ECF No. 312, Ex. 22 at 5, 9. Fourth, under the Court's Scheduling Order, Plaintiff needs to complete the remaining six Trader Defendant depositions before the end of October to give Plaintiff sufficient time to fairly analyze whether follow up discovery requests need to be issued and, if so, prepare and notice such discovery requests in time for completion by the December 30 fact discovery cut-off. ECF No. 201 (Scheduling Order). Fifth, this action will be four years old next month and Plaintiff believes it is important to hold the remaining Trader Defendant depositions, and pursue any follow up discovery, as close to the underlying events in April 2020 as is consistent with this Court's Scheduling Order. In that regard, Plaintiff respectfully submits

it has followed the Court's directive to "prioritize" class certification discovery. ECF No. 201. However, class certification will be fully briefed in September and merits discovery is scheduled to close in December. Accordingly, if this issue cannot be resolved after meeting and conferring with counsel for the Trader Defendants, Plaintiff intends to seek a Court order that directs the Trader Defendants to appear for deposition by the end of October.

The Vega Defendants noticed two other Rule 30(b)(6) depositions of Shell Trading (U.S.) Company ("Shell") and BP Products North America, Inc. ("BP") for May 21 and 23, 2024, respectively. Both companies moved to quash the deposition subpoenas in, respectively, the U.S. District Court for the Southern District of Texas and the U.S. District Court for the Northern District of Illinois. Shell's motion to quash has been transferred from the Southern District of Texas to this Court, and the Court has granted a motion to reassign the matter (which is currently pending approval from the Executive Committee). The Vega Defendants have responded to Shell's motion, and Shell's reply brief is due on July 24, 2024. *Shell Trading (U.S.) Company v. Vega Capital London Limited, et al.*, Civil Action No. 1:24-cv-5206 (N.D. Ill.). The motion to quash filed by BP Products North America, Inc. has been reassigned to this Court and has been fully briefed. *BP Products North America, Inc. v. Vega Capital London Ltd. et al.*, 1:24-cv-04226 (N.D. Ill.). The Vega Defendants anticipate taking further depositions of large third party traders and, to avoid unnecessary motion practice, intend to serve the deposition subpoenas following the Court's decision on the Shell and BP motions to quash.

c. Outstanding Subpoenas

The Vega Defendants issued 28 subpoenas to large companies trading WTI on NYMEX in April 2020. As of the date of this filing, the parties have received partial or complete productions from 23 out of the 28 subpoena recipients. The Vega Defendants are still negotiating with the

parties that have only made partial productions. Following the Court's decision on May 30, 2024, ECF 338, Vitol Inc. made a production of documents on July 3, 2024. Glencore Ltd. requested, and the Vega Defendants agreed, that Glencore Ltd. would have until July 16, 2024 to produce documents covered by the Court's order.

ExxonMobil Oil Corporation (“ExxonMobil”) has informed the Vega Defendants that it does not intend to produce any documents in response to the subpoena served by the Vega Defendants, including any documents covered by the Court's order of May 30, 2024. The Vega Defendants are preparing a motion to compel ExxonMobil and intend to file it in the United States District Court for the Southern District of Texas (the place of performance under the subpoena) while seeking to transfer the matter to this Court for resolution. ExxonMobil is considering whether it will consent to the motion to transfer that miscellaneous action to this Court.

Plaintiff issued eighteen Rule 45 document subpoenas to Cushing, Oklahoma oil storage and pipeline companies and has received partial or complete productions in response to twelve such subpoenas. Plaintiff is continuing to work through open issues with the remaining subpoenas.

d. Other Discovery

On June 26, 2024, the Trader Defendants produced the backup materials for the June 20, 2024 Expert Report of Professor Terrence Hendershott in accordance with the expert stipulation and order. ECF No. 238. The Trader Defendants have also offered to schedule Professor Hendershott’s deposition at any time during the week of July 29-August 2, or for a later date in August, subject to his teaching schedule.

Plaintiff is continuing its review of the backup materials produced by the Trader Defendants (approximately 90 GB of data) and will confer with the Trader Defendants about mutually convenient dates for Professor Hendershott’s deposition. Plaintiff has requested the

Trader Defendants disclose: (a) the total hours Professor Hendershott has billed in connection with the preparation of his report; (b) any other consideration or compensation received or to be received by Professor Hendershott and/or Cornerstone Research (who assisted Professor Hendershott); and (c) Cornerstone's rate and total hours billed to date in this matter. Counsel for the Trader Defendants stated they would take the request under advisement.

III. Issues Requiring Court Intervention

Apart from the non-party motion practice already taking place before the Court or otherwise described above, no disputes require the Court's assistance at this time. Plaintiff and the Vega Defendants are currently meeting and conferring about discovery issues raised by Plaintiff, which may or may not result in future motion practice. Plaintiff requested a meet and confer with the Trader Defendants to discuss five emails between certain Trader Defendants that Vega and Spires withheld from their document production based on certain privilege assertions by the Trader Defendants. As noted above, the parties intend to take additional discovery before the December 30, 2024 fact discovery cut-off.

Dated: July 12, 2024

Respectfully submitted,

/s/ Christopher M. McGrath

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